REMARKS

Claim 1 has been rewritten as a method using the same general format as in claim 6 of issued predecessor patent US 6,586,656 (see specification at e.g., p. 1, line 15; p. 2, line 17-18; p. 20, line 31 through p. 22, line 4). Present claim 1 differs from claim 6 of the '656 patent in further specifying that the polypeptide is processed to quantities of ATF-betaAPP, which are at least two-fold higher than the quantities of ATF-βAPP produced from wild type human βAPP in an equivalent transgenic animal (see specification at e.g., p. 20, lines 20-23, and in containing an additional step of incorporating the screened agent into a composition with a pharmaceutical carrier (see specification at e.g., p. 22, lines 5-8). Dependent claims rendered redundant by this amendment have been cancelled. New dependent claims parallel dependent claims from claim 6 of the '656 patent. Claim 11 is supported at e.g., p. 20, lines 27-30 and p. 21, lines 1-24. Claim 12 is supported at e.g., p. 21, line 31-32. No amendment should be construed as acquiescence in any rejection.

An additional opinion from the Federal Circuit has issued in the litigation referred to in the information disclosure statement regarding two predecessor patents (68 USPQ2d 1373 (Fed. Cir. 2003)). The opinion remanded for further consideration of the enablement of the Mullan patent, and other issues. The case was settled after remand without any decision on the merits.

Applicants respond to the Examiner's comments in the order made.

Priority

The Examiner's comments are acknowledged.

Obviousness-Type Double Patenting

Applicants offer to provide a terminal disclaimer with respect to US 6,586,656, US 6,245,964, US, 5,850,003, and US 5,612,486 if the claims are otherwise in condition for allowance. The offer to provide a terminal disclaimer should not be construed as acquiescence in the rejection.

35 USC 112, first paragraph

The Examiner's comments regarding deposit of plasmids are moot in view of cancellation of claims referring to the plasmids.

The Examiner's comments regarding stem cells in claim 1 are moot in view of the deletion of this term.

The Examiner's comments regarding claim 1 only being enabled for rodents are moot in view of amendment of claim 1 to recite rodents.

Rejection under 35 USC 102

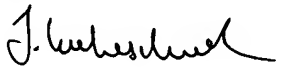
The Examiner alleges claims 1, 2, 4, 5 and 7 are anticipated by Mullan, but suggests applicants consider introducing the novel feature of finding of APP cleavage products in a brain homogenate. Applicants have amended claim 1 to specify production of Swedish ATF-betaAPP in similar fashion to previously allowed claims except that the claims also specify that the level of this fragment is twice that of wildtype betaAPP in an equivalent transgenic animal. The claims are further distinguished from Mullan by, e.g., the monitoring step.

Rejection under 35 USC 103

Claims 1, 6, 7 and 8 stand rejected as obvious over Mullan in view of Quon. The Examiner suggests that applicants amend the claims to recite the novel feature of finding of APP cleavage products in brain homogenates. Applicants have made this amendment as discussed above. The claims are distinguished for at least this reason and because of the use of the transgenic rodents in the monitoring step, as discussed above.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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